

REMARKS:

In the foregoing amendments, claims 1-32 were canceled and replaced with new claims 33-64. The previously presented claims were replaced to reduce possible typographical errors due to the length of the claims and the number of amendments to the claims. New claims 33-64 respectively correspond to previously presented claims 1-32. For the examiner's convenience, applicant is attaching hereto an Appendix A that shows the relationship between the new claims and the old claims. The foregoing amendments were made to clarify what was already implied in applicant's claims and these amendments are not narrowing amendments and were not made for reasons substantially related to patentability presented.

Applicant greatly appreciates the courtesies extended the undersigned in a personal interview on January 23, 2007, by Examiners Peter Choi and Michelle Tarae. At the interview, the undersigned proposed various amendments to the claims. These proposed amendments included a proposed amendment for claim 1, which was entitled Proposed Amendment B at the interview and a copy of which was provided to the examiners. In the foregoing amendments, new claims 33-64 include amendments to the claims along the lines of Proposed Amendment B that was discussed with the examiners at the interview. At the time of the interview, it was the undersigned understanding that amending the claims along the lines set forth in Proposed Amendment B had a good possibility of removing the rejection under the second paragraph of 35 U.S.C. §112, the rejection of claims 1, 4-6, 9-15, 19-21 and 23-32 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,952,680 of Melby *et al.* ("Melby") and the rejection of claims 2-3, 7-8, 6-18 and 22 under 35 U.S.C. §103(a) as being unpatentable over Melby. At least for these reasons and the following reasons, a formal allowance of claims 33-64 is respectfully requested.

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Claims 1-32 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite and failing to conform to U.S. practice. Applicant respectfully requests that the examiner reconsider and withdraw this rejection for a least a following reasons.

Attention is respectfully directed to Appendix B at the end of this response. Appendix B is a markup version of canceled claim 1 relative to new claim 33, where insertions to claim 1 are shown by underlining and deletions are shown by strike through. This claim is provided for the examiner's information and to show the scope of new claim 33 relative to previously presented claim 1. New claim 33 is similar in scope to Proposed Amendment B that was discussed with the examiners at the personal interview. For example, in new claim 33, expressions such as "configure to facilitate" were changed to "facilitating." These types of changes were included in all of claims 33-64. For example, in new claims 46 and 48, which correspond to previously presented claims 14 and 16, proper antecedent basis was provided for "said server apparatus," which was mentioned in the outstanding Office action. Similarly, in new claim 58, which corresponds to previously presented claim 26, the expression "said work condition information" was changed to "positional information," also as mentioned in the outstanding Office action.

For at least the foregoing reasons, applicant respectfully submits that new claims 33-64 particularly point out and distinctly claim the subject matter regarded as the invention within the meaning of 35 U.S.C. §112, second paragraph. Therefore, applicant respectfully requests that the examiner reconsider and withdraw this rejection.

As mentioned above, claims 1, 4-6, 9-15, 19-21 and 23-32 were rejected under 35 U.S.C. §102(e) as being anticipated by Melby and claims 2-3, 7-8, 6-18 and 22 were rejected under 35 U.S.C. §103(a) as being unpatentable over Melby. These rejections span pages 11 through 53 of the Official action. Applicant respectfully request that new claims 33-64 are patently

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distinguishable from the teachings of Melby within the meaning of 35 U.S.C. §102 and 35 U.S.C. §103 for at least a following reasons.

In the foregoing amendments, the previously presented independent claims 1, 6, 14, 16, 30, 31 and 32 were rewritten as new independent claims 33, 38, 46, 48, 62, 63 and 64 along the lines of Proposed Amendment B, which was discussed with the examiners at the personal interview. Previously presented claim 22 was rewritten as new claim 54 that depends from new claim 33, which corresponds to previously presented claim 1. In addition, these claims define the first communication means facilitating reciprocal communications "directly" between said plurality of work machines, as kindly suggested by the examiners during the personal interview. Still further, these claims define that the at least one leader main work machine "only" transmitting work instructions to other work machines of said plurality of work machines through said first communication means and/or the said at least one leader work machine "only" communicating with said server apparatus through said second communication means, also as kindly suggested by the examiners during the personal interview.

The teachings of Melby do not disclose or suggest these and other limitations of applicant's claims. Attention is respectfully directed to figure 3 of Melby. At best, the teachings of Melby propose a communication between a forklift 31 and a stationary receiver 35. The teachings of Melby do not contemplate or suggest the first communication means of the present claims, which is arranged in each of the plurality of work machines; the first communication means facilitating reciprocal communications "directly" between the plurality of work machines. In addition, the teachings of Melby do not contemplate or suggest the second communication means of the present claims, which is arranged in the leader work machine of the plurality of

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work machines and the server apparatus; the second communication means facilitating reciprocal communications between only the said at least one leader work machine and the server apparatus.

For at least these reasons and those set forth in the response filed on June 21, 2006, applicant respectfully submits that the inventions defined in claims 33-64 are patently distinguishable from the teachings of Melby within the meaning of 35 U.S.C. §102 and 35 U.S.C. §103. Therefore, applicant respectfully requests that the examiner reconsider and withdraw any rejections of the present claims over these teachings.

As a final note, it is respectfully noted that the Official action stated that applicant attempted to challenge the taking up Official Notice in the Official action mailed December 20, 2005, but apparently this challenge was insufficient. In particular, the Official action stated that per MPEP § 2144.03(c) it has been taken as prior art that:

It is old and well known in the art to notify relevant parties of the status and availability (or unavailability) of work machines at a site.

By this statement, applicant understands that any and all other positions, other than that set forth above, concerning Official Notice set forth in the Official action mailed December 20, 2005, were withdrawn. Applicant maintains its traversal of the aforesaid statement of Official Notice. In particular, applicant respectfully submits that it is not old and well known in the art to notify relevant parties of the status and availability (or unavailability) of work machines at a site in the manner set forth in the present claims. This is a problem in the prior art that the presently claimed invention overcomes.

In summary, applicant respectfully submits that, as described above, the cited prior art of Melby does not show or suggest the combination of features recited in the claims. Therefore, a formal allowance of claims 33-64 is respectfully requested.

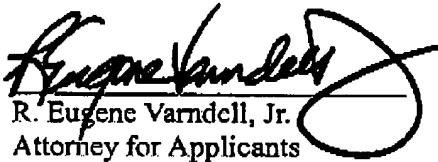
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The foregoing is believed to be a complete and proper response to the Official action mailed September 12, 2006. While it is believed that all the claims in this application are in condition for allowance, should the examiner have any comments or questions, it is respectfully requested that the undersigned be telephoned at the below listed number to resolve any outstanding issues.

In the event that this paper is not timely filed, applicant hereby petitions for an appropriate extension of time. The Commissioner is hereby authorized to charge the fee therefor, as well as any deficiency in the payment of the required fee(s) or credit any overpayment, to our deposit account No. 50-1147.

Respectfully submitted,  
POSZ LAW GROUP, PLC

  
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**APPENDIX A****CROSS-REFERENCE BETWEEN NEW CLAIMS AND OLD CLAIMS**

New Claims	Previous Claims
33	1
34	2
35	3
36	4
37	5
38	6
39	7
40	8
41	9
42	10
43	11
44	12
45	13
46	14
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64	32

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APPENDIX B

*The following is a marked-up version of canceled claim 1 relative to new claim 33 where insertions to claim 1 are shown by underlining and deletions are shown by strike through. The following claim is for information purposes only and is not to be entered into the application.*

33 +. (Marked-up Version) A work machine management system for work machines that perform prescribed work by operation of a plurality of work machines, comprising:

a plurality of work machines, wherein said plurality of work machines ~~being connected~~  
~~by~~ respectively including a first communication means ~~configured to facilitate~~ facilitating  
reciprocal communications directly between said plurality of work machines;

a server apparatus; wherein at least one ~~main~~ leader work machine of said plurality of work machines and said server apparatus including is connected to said server apparatus by a  
second communication means ~~configured to facilitate~~ facilitating reciprocal communications  
between said server apparatus and said at least one leader work machine of said plurality of work machines;

~~wherein~~ each of said plurality of work machines ~~is~~ being provided with work machine information detection means for detecting work machine information;

a database ~~for~~ storing data for managing said plurality of work machines, and management information production means for producing management information based on said work machine information and on said data stored in said database, provided at said server apparatus;

in conjunction with work progress of said plurality of work machines, said work machine information ~~is~~ being detected by said work machine information detection means provided in said plurality of work machines, and the work machine information so detected ~~is~~ being

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transmitted to said at least one ~~main~~ leader work machine through said first communication means;

said at least one ~~main~~ leader work machine ~~transmits~~ transmitting said transmitted work machine information to said server apparatus through said second communication means;

said server apparatus ~~produces~~ producing said management information based on said transmitted work machine information and on said data stored in said database, and ~~transmits~~ transmitting the management information so produced only to said at least one ~~main~~ leader work machine through said second communication means; and

said at least one leader ~~main~~ work machine ~~transmits~~ transmitting work instructions to other work machines of said plurality of work machines, based on said transmitted management information.